IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
FRIDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA
WRIT PETITION NO : 10940 of 2004

Between:
Malugu Mallaiah, s/o. Malugu Balaiah,
R/o. Ameerpet Village, Maheswaram Mandal, R.R. District.
..... PETITIONER

AND

1 The District Collector, Ranga Reddy District, Lakdikapool, at Hyderabad.
2 The Revenue Divisional Officer, East, Ranga Reddy District at Gosha Mahal, Hyderabad.
3 The Mandal Revenue Officer, Maheswaram Mandal, Ranga Reddy District.
4 Sub Registrar of Registrations, Maheswaram Mandal, Ranga Reddy District.
5 Asmathali Khan, S/o. Gulam Khader Khan, Major, R/o. Maheswaram Village & Mandal,
Ranga Reddy District.
.RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in not granting the Patta Certificate in favour of the Petitioner in respect of the lands to an extent of Ac.28-28 guntas in Sy.No. 5 (Old) New Sy.Nos. 88, 110, 109, 126, 114, 82, 87 and 79 situated at Golluru Village, Maheswaram Mandal, Ranga Reddy District, as arbitrary, illegal and contrary to law and consequently direct the 2nd respondent to issue the Patta Certificate in favour of the Petitioner forthwith, while directing the Respondents-3 and 4 not to entertain any application from the 5th respondent in respect of the said lands either for transfer or registration pending the grant of patta certificate by the 2nd respondent, to enable the petitioner to continue in possession and enjoyment of the said lands;

For the Petitioner:MR.J.KANAKAIAH -ADVOCATE

For the Respondent Nos 1 to 4 : GP FOR REVENUE

For the respondent No.5:-- None Appeared

The Court at the stage of admission made the Following :

ORDER:

The present writ petition is filed questioning the action of the second respondent in not granting patta certificate in favour of the petitioner in respect of lands to an extent of Ac.28-28 guntas in Sy.No.5 (Old), New Sy Nos. 88,110,109, 126,114, 82, 87 and 79 , Golluru village, Maheswaram Mandal, Ranga Reddy District.

It is stated in the affidavit filed in support of the writ petition that father of the petitioner made an application for grant of patta certificate under A.P.(T.A.) Inams (Abolition and Conversion into Ryotwari) Act, 1955 and upon his death, the petitioner made an application to the second respondent requesting him to issue patta certificate under an impression that his lands are covered under Tenancy and Agricultural Lands Act, 1950. The Mandal Revenue Officer, on enquiry found that the subject lands are Inam lands and petitioner is entitled to claim patta certificate under Inams Abolition Act, 1955 and the second respondent is competent authority to grant such patta certificate. Thereafter, the petitioner approached the second respondent and requested to grant patta certificate and his case was registered as File No.J/1554/2000. Pursuant thereto, the second respondent issued notices inviting objections from the interested persons and conducted an enquiry and directed the petitioner to pay the required amount for issuance of patta certificate. The petitioner paid the requisite amount in the Government Treasury on 24-12-2002, however, no patta certificate was granted to the petitioner and the matter is still pending before the second respondent. The petitioner alleges that taking advantage of pendency of matter of issuance of patta, the firth respondent is trying to create third party interests over the subject land. Hence, the writ petition.

Learned Government Pleader Revenue on instructions submits that as per the available records the petitioner was not in physical possession as on 1-11-1973 , nor cultivating the said land personally for grant of Occupancy Right Certificate. It is further stated that the petitioner has not produced any documentary evidence to establish his right over the subject land and that his case is under hearing and after hearing both the sides i.e., claimant and objection petitioners, appropriate orders will be passed.

Heard the learned counsel for petitioner and learned Government Pleader for Revenue. Both counsel agreed for disposal of the writ petition with the following direction:

Since the matter is pending consideration before the Revenue Divisional Officer/second respondent, the writ petition is disposed of with a direction to the second respondent to consider and dispose of the application of the petition in accordance with law, as expeditiously as possible. No costs.

_____

N.V.RAMANA,J

02/07/2004

TVK/MDAA

To

1 The District Collector, Ranga Reddy District, Lakdikapool, at Hyderabad.
2 The Revenue Divisional Officer, East, Ranga Reddy District at Gosha Mahal, Hyderabad.
3 The Mandal Revenue Officer, Maheswaram Mandal, Ranga Reddy

District.
4 Sub Registrar of Registrations, Maheswaram Mandal, Ranga Reddy
District.
5.2CCs to G.P. for Revenue, A.P.High Court, Hyderabad(OUT)
6..2CD copies

*Form-NIC-OGS/WP{**RLD**}*